

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH KETOLA,
Plaintiff,

No. 1:08-cv-31

-v-

BEN CLEARWATER, ET AL.,
Defendants.

HONORABLE PAUL L. MALONEY

ORDER TO CLARIFY

Plaintiff Joseph Ketola, a prisoner under the control of the Michigan Department of Corrections (MDOC), proceeding pro se, filed a complaint under 42 U.S.C. § 1983 against several police officers, medical personnel, and county corrections officers, among others. Included in the list of defendants is Kevin Dorlag. On July 18, 2008, Attorney James Dyer filed an appearance on behalf of eleven named defendants. (Dkt. No. 42.) Mr. Dorlag was not included in the list of individuals for whom counsel was filing an appearance. In the space below the caption and above the title of the document, where counsel identifies himself, he does not list Mr. Dorlag as one of his clients. This is true of every document filed by Attorney Dyer in this action, until recently.

On June 4, 2010, counsel filed a motion to dismiss or, in the alternative, a motion for summary judgment. (Dkt. No. 111.) In the substance of the motion, counsel names eleven defendants on whose behalf the motion is filed. Mr. Dorlag is not named as one of those defendants. However, the brief filed in support of the motion contains statements creating ambiguity with regard to Mr. Dorlag. (Dkt. No. 112.) On the first page of the brief, counsel identifies twelve individuals as the collective “county defendants.” Mr. Dorlag is included in that list. The brief is worded so that the “county defendants” move the court for dismissal and for summary judgment.

For this reason, Attorney Dyer shall CLARIFY whether he represents Kevin Dorlag and whether the above referenced motion is brought on behalf of Mr. Dorlag.

The clarification shall be filed within seven (7) days of the date of this order.

IT IS SO ORDERED.

Date: June 9, 2010

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge